

IX. RESPONSIBILITIES AND CAPABILITIES OF GOVERNMENT

A. RESPONSIBILITIES OF THE FEDERAL GOVERNMENT

The federal government is responsible for the following areas of disaster and emergency operations and planning:

- Supporting the state and local governments in planning, preparedness, mitigation, response, and recovery;
- Coordinating federal aid for presidential declared disasters and emergencies;
- Coordinating civil emergency preparedness for the possibility of nuclear and conventional attack , nuclear power plant accidents and radiation accidents;
- Ensuring continuity of government and coordinating mobilization of resources during national security emergencies;
- Determining which materials are strategic and essential and setting goals for the national defense stockpile.
- Providing training and education for personnel;
- Providing training and conducting research to reduce losses from fire;
- Administering the National Flood Insurance Program;
- Developing public information programs;
- Researching disaster and emergency operations.

Upon the declaration of a major disaster or emergency by the President, a Federal-State Assistance Agreement will be executed by the Governor and the Federal Emergency Management Agency, Region VIII. In the agreement, the Governor designates the State Coordinating Officer (SCO) who works with the Federal Coordinating Officer (FCO) to coordinate relief operations for state and local government agencies and affected persons.

The Federal Coordinating Officer is responsible for organizing and coordinating the administration of federal assistance, including public assistance, individual assistance, and the hazard mitigation grant program.

FEMA is the key federal agency in coordinating hazard mitigation actions. This agency provides assistance to states in developing pre disaster mitigation plans and procedures. Post disaster responsibilities of FEMA as they pertain to mitigation include:

- Participating in the preliminary damage assessment process to evaluate the magnitude and severity of the disaster, evaluate initial mitigation possibilities, and determine the composition of the Federal mitigation teams;
- Conduct on site evaluations with an interagency team comprised of federal, state, and local government personnel;
- Presenting to local government applicants a briefing on the purpose and intent of mitigation, and funding opportunities available through it;
- Coordinating the development of a 15 day interagency team report on proposed actions to mitigate future damage;
- Assisting the MT-SHMT in preparing the Montana Hazard Mitigation Plan based upon the recommendations of the HMST or IHMT;
- Assisting Hazard Mitigation Grant applicants in preparing and obtaining funding for mitigation projects

B. RESPONSIBILITIES OF THE MONTANA STATE GOVERNMENT

Disaster assistance provided by the state is a **supplement to, not a substitute for**, relief that can be provided by local government. When local resources are insufficient to cope with the situation, the Governor may elect to declare an emergency or disaster. When such an emergency is declared, state agencies will utilize their services to cope with the situation.

The MT State Hazard Mitigation Officer (SHMO) is responsible to guide the development of the Montana Hazard Mitigation Plan (the plan you are reading, which by the way, should you actually be reading this and you are the first to bring it to my attention it is worth a large cold beverage of your choosing) The SHMO is also responsible for publishing and the update of the Montana State Hazard Mitigation Administrative Plan. The SHMO trains and utilizes the State Hazard Mitigation Team (SHMT); Initial training for this team was accomplished in 1992. The local DES Coordinators were given training in 1993. Both state and local members receive "on the job training ", on an as needed basis, when called upon assist a local government. Members of the STATE and local mitigation teams have attended formal training at E.M.I. The MT SHMT may be utilized informally on an as needed basis by the SHMO or activated formally by the GAR in the case of a Federal Declaration.

The MT SHMT is responsible for:

- Participate on the HMST or IHMT evaluation and planning activities;
- Coordinate all state and local responsibilities regarding hazard mitigation for their specific agency;
- Coordinate with local government to ensure issues are addressed;
- Review, update, prepare, and submit the Montana Hazard Mitigation Plan for any Presidential disaster declaration;
- Update this plan on an as needed basis;
- Assist state and local agencies in preparing and completing hazard mitigation grant proposals.

C. RESPONSIBILITIES OF LOCAL GOVERNMENT

In times of emergency local governments will assume responsibility for providing mass care, coordinating the various agencies and organizations providing assistance to victims, and for emergency response.

Requests from local government should be forwarded to state government only after resources at the requesting level are clearly inadequate to cope with the situation.

Local officials will, if the situation warrants, activate their local EOC, coordinate operations, request outside assistance, and implement local emergency broadcasts as necessary.

Local governments should initiate hazard mitigation measures as a means of reducing their vulnerability to natural and technological disasters. Annually local DES Coordinators must analyze their hazards and evaluate resources to address those needs. All local governments receiving Federal disaster assistance are expected to support hazard mitigation activities by:

- Designating a local official to function as the local hazard mitigation officer;
- Participating in the HMST and IHMT process, as necessary, and as requested;
- Participating in the development of local mitigation plans and recommendations;
- Coordinate and implement mitigation measures as agreed; and
- Participate in mitigation funding activities and progress reporting as appropriate.

D. RESPONSIBILITIES OF PRIVATE AGENCIES & BUSINESSES

An essential element of almost any disaster response and recovery effort is the assistance provided by private relief organizations in distributing food, medicine and supplies, providing emergency shelter, and restoring community services. These private agencies include the American Red Cross, the Salvation Army and other voluntary state and local organizations.

Private businesses and industries also make valuable contributions of funds, supplies, equipment and labor. Occasionally the business itself is responsible for the disaster and is looking for ways to make amends. In any event, do not overlook their input to the mitigation effort.

E. CAPABILITIES OF U.S. FEDERAL GOVERNMENT

The Federal Emergency Management Agency (FEMA) is the Federal agency designated to assist state and local government in times of disaster. Federal money to assist state and local governments funnels through this agency. The FEMA programs designed specifically for Hazard Mitigation are:

The Hazard Mitigation Grant Program. Section 404 of the Stafford Act establishes a Hazard Mitigation Grant Program to fund state and local post-disaster mitigation measures. Hazard mitigation measures to be funded under the Hazard Mitigation Grant Program are identified primarily by this plan. The Hazard Mitigation Survey Team or the Interagency Hazard Mitigation Team can also make other mitigation recommendations. Funding is made available on a 75%/25% federal state share basis. The money available is 15% of all Public and Individual Assistance moneys spent on the disaster.

National Flood Insurance Program. FEMA's Federal Insurance Administration administers the National Flood Insurance Program. This program makes flood insurance available to local communities. In exchange, the local community agrees to adopt and enforce a floodplain management ordinance and to regulate flood prone areas to help reduce future flood losses. In addition to the availability of flood insurance, the National Flood Insurance Program supports mitigation through floodplain management measures. The Federal Insurance Administration has published a series of technical guidance documents that can be used in mitigating future damages.

National Earthquake Hazards Reduction Program. The purpose of this program is to reduce risks to life and property through the development and implementation of earthquake hazards reduction measures. Coordinated by FEMA with participation by the U.S. Geological Survey, the National Science Foundation, and the National Institute of Standards and Technology, program activities include:

- development of seismic resistant design and construction standards;

- creation of educational materials for community use;
- support of earthquake information centers; and
- studies that explore issues ranging from identifying financial incentives for building owners to seismically retrofit their structures to determining the feasibility and structure of a notional earthquake insurance program.

Other Key Federal Agency Programs are found below with a list of their capabilities:

Department of Defense, U.S. Army Corps of Engineers

- Beach erosion control projects
- Flood control works
- Floodplain management services
- Planning assistance
- Emergency flood fighting and rescue

Dept of Agriculture, NRCS

- Watershed protection and flood prevention
- Floodplain management services
- Resource conservation and development
- Emergency watershed protection
- Soil and snow surveys

Small Business Administration

- Disaster loans

Department of Housing and Urban Development

Community Development Block Grants

Dept of Commerce, National Weather Service

- River forecasts
- Forecasts and warnings
- Meteorological, hydro meteorological, and hydrological data and analyses
- Disaster preparedness and hazard analysis program
- Coastal zone management programs

F. ORGN. AND CAPABILITIES OF MT STATE GOVT.

MONTANA GOVERNMENT According to the Montana State Constitution, ratified by the people of Montana of June 6, 1972, the "power of the government of the state," is divided into three distinct branches: Legislative, Executive and Judicial. The laws governing the state are enacted by the Legislative, implemented by the Executive and interpreted by the Judicial Branch of state government.

LEGISLATIVE BRANCH: The Legislature, which meets in regular session every two years for not more than ninety days, is composed of two bodies: the House of Representatives, with 100 members elected for two-year terms, and the Senate, with 50 members elected for four-year terms. One-half of the senators are elected every two years. The Legislative Council, Legislative Auditor, Legislative Fiscal Analyst, Environmental Quality Council, the Consumer Council, and various interim committees assist the Legislature. The Legislature enacts the laws that govern the state. The governor must approve laws so enacted. The Legislature may override the governor's veto by a two-thirds vote of both houses.

JUDICIAL BRANCH: The judicial power of the state is vested in the Supreme Court, District Courts, Justice Courts and such other courts as may be provided by law. The Supreme Court consists of one chief justice and six associate justices elected by popular vote for an eight-year term.

The judges of the twenty District Courts in Montana are elected for six-year terms. Each county elects at least one justice of the peace for a term of four years to carry out the judicial functions at the local level.

EXECUTIVE BRANCH: the Governor, Lieutenant Governor, Secretary of State, Attorney General, Superintendent of Public Instruction, State Auditor and the Public Service Commission head the agencies of the Executive Branch. Each officer is elected to office for a term of four years. Districts elect the five members of the Public Service Commission for staggered terms of four years each.

ORGANIZATION WITHIN THE EXECUTIVE BRANCH The Executive Reorganization Act states that all executive and administrative offices, boards, bureaus, commissions, agencies, and instrumentalities shall be allocated among not more than 20 principle departments. Exceptions are the Office of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Superintendent of Public Instruction and Auditor.

The lines of authority in executive branch departments start with a department director, who is appointed by and is responsible to the Governor and who is responsible for the overall operation of a department. A deputy director may assist the director in this capacity.

A department is comprised of divisions, each headed by an administrator. The division, in turn, is divided into bureaus, which are headed by bureau chiefs. The bureau may be divided into sections, which are headed by supervisors.

GOVERNOR The executive power is vested in the governor who sees that all state laws are faithfully executed. A summary of the purposes of each of these departments is included in the section titled "Organization of the Executive Branch." Offices directly attached to the Governor's Office include Citizen's Advocate and Budget and Program Planning.

LIEUTENANT GOVERNOR: The Lieutenant Governor performs the duties provided by law and those delegated to him by the governor, and acts as governor when the governor is not in the state. If the office of the governor becomes vacant by reason of death, resignation or disqualification, the lieutenant governor becomes governor.

SECRETARY OF STATE: The major duty of the Secretary of State is to establish and preserve records of the state of Montana. These records include the record of official executive acts, corporate records, uniform commercial code filings, certain bonds and mortgages. Other duties include the compilation and updating of the Montana Administrative Register and Administrative Rules of Montana, direction of county elections and maintenance of election records under state jurisdiction.

ATTORNEY GENERAL: The Attorney General, the legal officer of the state, supervises the **Department of Justice**. The purpose of the Department of Justice is to protect the citizens of the State through enforcement of civil and criminal laws and through programs designed to provide public safety. It provides legal services for the representation of state agencies, conducts criminal identifications and investigations, operates the law enforcement telecommunications system, supervises the Law Enforcement Academy, adopts and enforces fire safety codes, registers motor vehicles, issues driver's licenses, enforces motor vehicle laws, and provides technical and financial assistance to law enforcement agencies.

STATE AUDITOR The State Auditor's responsibility is to supervise the fiscal operations of the State and recommend fiscal management practices. The Auditor is responsible for issuing and accounting for warrants, and providing central payroll services for all state agencies. The Auditor acts as commissioner of insurance and the securities commissioner. The Auditor collects insurance tax premiums, and licenses insurance agents, securities sales representatives, broker-dealers, and investment advisors.

SUPERINTENDENT OF PUBLIC INSTRUCTION The major responsibility of the Superintendent of Public Instruction is to provide general supervision of the public elementary and secondary schools. The Superintendent also disburses state and Federal education funds; accredits public schools; certifies teachers; supervises pupil transportation, school foods and adult education programs; and administers Federal and special education programs. The Superintendent provides technical assistance to teachers and school personnel in such areas as the basic skills, vocational skills, school finance, in service education, planning, development, and evaluation. In addition, the Superintendent is a member of the State Board of Land Commissioners, State Library Commission, Teacher's Retirement Board, Board of Public Education, and Board of Regents.

PUBLIC SERVICE COMMISSION The Public Service Commission is composed of five members elected from five districts in the state. The commissioners serve four-year terms and elect a chairperson from among themselves every two years. The purpose of the Department of Public Service Regulation is to regulate the public utility, motor carrier, and railroad industries. It is responsible for providing safe, reliable, and adequate services at the lowest achievable cost to the consumers while concurrently providing the regulated industries with a fair and reasonable return on their investment for the services rendered.

THE BOARD OF REGENTS OF HIGHER EDUCATION The Board of Regents of Higher Education is the governing body of the Montana University System. The seven-member board is appointed by the governor and confirmed by the Senate. The university system includes six four year colleges and universities. The board of Regents administers the state's five vocational technical centers and has some authority over the three state community colleges. Functions of the board include developing policies and

rules for government of the university system and the vocational technical centers, granting diplomas and conferring honorary degrees, controlling receipt and disbursement of income and property to the university system, appointing administrators and faculty and supervising the agricultural experiment station.

G. MONTANA STATE AGENCIES

DEPARTMENT OF ADMINISTRATION The purpose of the Department of Administration is to centralize and consolidate the general administrative, management and fiscal functions of State government. The major functions of the department are personnel; accounting; purchasing; data processing; telecommunications; information system; architecture and engineering; publications and graphics; tort claims; administration of state-sponsored retirement programs; state tax appeals; worker's compensation court; state insurance; and building security, custodial, and maintenance services.

DEPARTMENT OF AGRICULTURE The purpose of the Department of Agriculture is the promotion of the agriculture industry and the enforcement of agricultural laws, which protect farmers and consumers. The principal functions of the Department are enforcement of grain laws; maintenance of comprehensive agricultural statistics; regulation of commercial feeds and fertilizers; monitoring of medicated feeds; agricultural marketing; grain inspection and grading; provision of horticultural inspection and quarantine services; wheat and barley research and market development; pesticide service programs; enforcement of apiary laws; operation of specialized rural development programs which provide assistance to qualified rural families; administration of state crop hail insurance; management of noxious weed control; and provision of peer counseling, financial consulting, and mediation assistance to farmers.

DEPARTMENT OF COMMERCE The Department of Commerce was established in 1981 to encourage and promote business activities in Montana. Department functions include providing assistance to businesses wishing to develop or expand in the state and internationally; marketing Montana as a vacation destination and motion picture location site; and providing a cost effective means of bringing commercial products to local, national and international markets. The department provides financial and technical assistance to counties and communities; regulates financial institutions, weights and measures; fluid milk marketing; building code regulations; and staffs the state's professional and occupational licensing boards. Development and finance programs in the department include the Science and Technology Alliance, the Board of Investments, the Board of Housing and the Montana Health Facilities Authority. In 1987, the Lottery Division was created after the approval of a state lottery referendum.

BUILDING CODES BUREAU OF THE DEPARTMENT OF COMMERCE: The Building Codes Bureau adopts and enforces the building, plumbing, mechanical, electrical, elevator, boiler and other "building codes" used in Montana. The bureau enforces the codes throughout the State outside of certified local government

jurisdictions and is responsible for certification (approval) of certified local government building code enforcement programs, of which there are 54 at this time. In time of disaster the bureau prioritizes its efforts on State owned buildings first, and is limited to initial evaluation of buildings during and immediately after a disaster.

DEPARTMENT OF FAMILY SERVICES The Department of Family Services was created by the Legislature in 1987. The purposes of the department are to provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities; to provide for the care, protection, and mental and physical development of youth alleged to be in need of supervision of delinquent youth who are referred or committed to the department; and to provide supportive services to enable senior citizens to maintain their independence. The department arranges the adoption of children with special needs and sibling groups. The Department of Family Services is responsible for providing services across Montana, operating on a five-region basis. The department also manages two youth correction facilities, Mountain View School and Pine Hills School.

DEPARTMENT OF FISH, WILDLIFE AND PARKS The purpose of the Department of Fish, Wildlife and Parks is to conserve and manage wildlife and to administer parks and recreational areas for the benefit of Montanans and visitors to the state. The department strives to create optimum outdoor recreational opportunities, with emphasis placed on wildlife and natural and cultural resources that have aesthetic, scenic, historical, or archaeological significance.

Functions of the department include issuing fishing, hunting, trapping and related licenses; enforcing laws and regulations relating to fish, wildlife, and parks; acquiring, developing, and maintaining wildlife management areas, state parks, and recreational areas; and managing and enhancing wildlife populations.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES The purpose of the Department of Health and Environmental Sciences is to protect the health of the citizens of the state and provide health care services throughout the state. The Department performs functions in areas of air and water quality control; environmental sanitation; maternal and child health services; dental health; disease control; nutrition; health education; health planning; hospital and medical facilities; laboratories; records and statistics; and local health services.

DEPARTMENT OF TRANSPORTATION The Department of Transportation is responsible for constructing, maintaining and protecting the state highway and bridge system. Functions include planning and design; contract administration; materials design and testing; property acquisition; and fiscal programming and cost accounting. The department is responsible for enforcing vehicle weight and dimension laws and the Outdoor Control Act, Managing the state motor pool, and highway, bridge and rest area maintenance. The other divisions are Aeronautics, Rail and Transit, Motor Transport Services and Administration.

DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES The Department of Corrections and Human Services provides a variety of services including adult corrections, mental health, developmental disabilities, veteran's nursing and chemical dependency programs. The department's duties include program Management, evaluation, statewide coordination and provision of services. Additionally, the department is responsible for approval and certification of some programs; providing training and education for service providers and collecting reimbursements owed to the state for the cost of institutionalized care. The department manages Montana State Prison, Women's Correctional Center, Swan River Forest Camp, Montana State Hospital, Montana Developmental Center, Eastmont Human Services Center, Center for the Aged and Montana Veteran's Home. It also manages a wide variety of community based human service programs in Montana.

DEPARTMENT OF LABOR AND INDUSTRY The purposes of the Department of Labor and Industry are to provide employment and training, to protect conditions for workers, and to protect employer/employee rights. Its functions include providing service to people actively seeking employment and to employers seeking workers; supervising and enforcing labor laws and worker health and safety standards; working to eliminate discriminatory practices; providing safety consultation and training for Montana's employers and employees; and administering state collective bargaining, workers' compensation, unemployment insurance, and industrial safety laws.

DEPARTMENT OF LIVESTOCK The purpose of the Department of Livestock is to exercise general supervision over the livestock industry and to protect livestock from theft and disease. Its functions are enforcement of livestock laws, including the registration of marks and brands; regulation of livestock markets; rabies control; predatory animal control; meat inspection, and dairy, egg, and milk inspection, control, and regulation.

DEPARTMENT OF MILITARY AFFAIRS The purposes of the Department of Military Affairs are to provide a trained and equipped military organization via the National Guard for the Governor in the event of a state emergency; to plan for, respond to, and recover from any disaster--manmade or natural--that might occur in the state of Montana; and to provide assistance to all veterans, their dependents, and beneficiaries who may be entitled to veterans' benefits. The functions of the Department of Military Affairs are the operation of the Montana National Guard, the Disaster and Emergency Services Division, and the Veterans Affairs Division.

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION The purpose of the Department of Natural Resources and Conservation (DNRC) is to guide the wise management, development, conservation, and use of certain of Montana's natural resources in a manner consistent with environmental quality. DNRC works to sustain and improve the benefits derived from our water, soil, and rangelands; to encourage conservation and the use of renewable energy sources; to reduce losses from flooding; and to minimize environmental impacts from the development of energy sources, energy facilities, and water projects.

STATE BOARD OF PUBLIC EDUCATION The Board of Public Education is responsible for the general supervision of the public school system. Functions include establishing policies for the accreditation of schools, the certification of teachers, special education, gifted and talented programs, the equivalency of secondary education, distribution of state equalization, school bus and drivers, and school days and hours. Also, the Board supervises the Montana School for the Deaf and Blind.

DEPARTMENT OF REVENUE The Department of Revenue administers approximately 31 state taxes and fees including individual income tax, oil and coal severance tax, corporation tax, gasoline license tax, property tax and numerous miscellaneous taxes. The department also operates the state liquor store system and conducts investigations on alcohol, tobacco and welfare fraud activities within the state.

DEPARTMENT OF STATE LANDS The purpose of the Department of State Lands is the management of lands and forests granted to the state by the United States Government so as to achieve maximum sustained return to the school trust fund; to administer the various mined-land reclamation laws which apply to state, private and federal lands; and to provide fire protection service on State-and privately owned lands within Montana.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES The Department of Social and Rehabilitation Services provides supportive and rehabilitative services to persons who are unable to provide such services for them. The functions of the Department are the provision of economic assistance, vocational, and rehabilitation services to the blind and child support enforcement.